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Hearing Date: October 25, 2017  
Hearing Time: 10:00 a.m.

Objection Deadline: October 18, 2017

*Attorneys for the David R. Markin Estate*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

DAVID R. MARKIN, individually and as trustee of  
the David Markin Charitable Remainder Unitrust #1,  
and David R. Markin Charitable Remainder Unitrust  
#2, SOUTHPAC INTERNATIONAL TRUST LTD.,  
as trustee of the David R. Markin 2003 Trust,  
DAVID R. MARKIN 2003 TRUST, DAVID  
MARKIN CHARITABLE REMAINDER  
UNITRUST #1, DAVID R. MARKIN  
CHARITABLE REMAINDER UNITRUST #2,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05224 (SMB)

**NOTICE OF MOTION TO DISMISS THE FIRST  
AMENDED COMPLAINT AND TO COMPEL PAYMENT OF CLAIM**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Estate of David Markin's Motion to Dismiss the First Amended Complaint, upon the Declaration of Carole Neville in Support of the Estate of David Markin's Motion to Dismiss the First Amended Complaint and to compel payment of claim (the "Motion"), and upon all prior pleadings and proceedings herein, the Estate of David Markin will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004, on **October 25, 2017 at 10:00 a.m.**, for an order dismissing with prejudice the First Amended Complaint filed by Plaintiff Irving H. Picard in this adversary proceeding on January 25, 2012, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure, compelling payment of undisputed claim and granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that any responses or objections to the Motion must be in writing, conform to applicable rules of this Court and be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004, in accordance with General Order 242 by no later than **5:00 p.m. on October 18, 2017** (the "Objection Deadline") (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein) and must be served upon Carole Neville, Dentons US LLP, 1221 Avenue of the Americas, New York, New York 10020, so as to be received no later than the Objection Deadline. Any objections must specifically state the interest that the objecting party has in these proceedings and the specific basis of any objection to the Motion.

Dated: August 25, 2017  
New York, New York

Respectfully submitted,

DENTONS US LLP

By: /s/ Carole Neville

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